

**IN THE SEVENTH CIRCUIT PROBATE COURT FOR DAVIDSON COUNTY
TENNESSEE**

IN RE:)
CONSERVATORSHIP FOR)
JEWELL TINNON)

Docket No. 10P-1322

2011 AUG 19 PM 3:56

RICHARD R. ECKER, CLERK

[Signature]
D.C.

**PETITION TO DISCHARGE CONSERVATORSHIP, OR IN THE ALTERNATIVE, TO
MODIFY THE CONSERVATORS APPOINTED BY THIS COURT, AND FOR OTHER
RELIEF**

COMES NOW Jewell S. Tinnon, by and through her undersigned counsel, pursuant to *Tennessee Code Annotated* § 34-3-108, *et seq.*, and petitions this Honorable Court to discharge the Greater Nashville Regional Council Public Guardianship Program for the Elderly (hereafter referred to as "GNRC") as the Conservator for Jewell Tinnon. Jewell Tinnon would state that she is not a disabled person, that GNRC has failed to perform its duties, and that GNRC failed to act in her best interest.

I. PROCEDURAL HISTORY

This case arises from the Emergency Petition to Appoint Temporary Conservator and Application for Restraining Order filed on August 24, 2010, by Kim Patrick and Terry Patrick, the grandchildren of the Petitioner. Said Petition requested that this Court declare Jewell Tinnon to be a disabled person, and that the Court appoint Kim Patrick and Terry Patrick as Co-Conservators. At the time of filing, the provisions of *Tenn. Code Ann.* § 34-3-104 and 34-3-105 had not been complied with, insofar as no medical evaluation of the Petitioner had been performed, nor was any sworn medical examination report filed with the Court as required pursuant to *Tenn. Code Ann.* § 34-3-104. On August 24, 2010, this Court entered an Order appointing and issuing Temporary

Letters of Conservatorship to Kim Patrick and Terry Patrick.

On or about September 16, 2010, Karl Warden, attorney, filed a Motion to Appear as Attorney *ad Litem* and for a Continuance. On December 2, 2010, Jewell Tinnon, by and through her Attorney *ad Litem* Karl Warden, filed an Answer in opposition and objection to the appointment of Kim Patrick and Terry Patrick as her Conservators.

After a hearing on December 2, 2010, and pursuant to the Order entered on December 3, 2010, this Court appointed GNRC as the Temporary Conservator for the person and property of Jewell Tinnon, and further ordered Kim Patrick and Terry Patrick to turn over all accounts and records to GNRC and to make a final accounting within thirty (30) days.

On January 20, 2011, this Court entered an Order expanding the authority of GNRC. Said Order stated that GNRC's express authority was expanded to include securing Jewell Tinnon's real and personal property, to pay insurance premiums, and authorized GNRC to enter into a contract for the auction of said personal property with the final sales contract to be approved by the Court.

After a hearing on March 1, 2011, and pursuant to the Order entered on March 11, 2011, this Court appointed GNRC as the Permanent Conservator of the person and estate of Jewell Tinnon. The Court went further in said Order to permit GNRC to continue to make arrangements to sell the real and personal property of Jewell Tinnon. Upon information and belief, GNRC, on or about March 12, 2011, held an auction in which Jewell Tinnon's real property, her automobile, and all of her personal belongings were sold. On April 1, 2011, this Court entered an Order Approving Contract for Sale of Real Property for Eighty Three Thousand Dollars (\$83,000.00). Further, on June 10, 2011, this Court entered an Order permitting GNRC to cash surrender Jewell Tinnon's American Life and Accident Insurance Company Whole Life Insurance policies.

II. CONSERVATOR SHOULD BE DISCHARGED AND/OR MODIFIED

Jewell Tinnon (hereafter “the Petitioner”), in support of her petition to discharge GNRC as her Conservator, would show the Court as follows:

1. The Petitioner is not a disabled person, and she does not require the protection, supervision, or assistance of GNRC. Attached hereto as *Exhibit “A”* is the original copy of the Petitioner’s most recent *Report of Physician* stating she is not in need of a Conservator to act on her behalf as a fiduciary.

2. The Petitioner would further show that it is not in her best interest for GNRC to continue to serve as her Conservator. Petitioner would show that she learned that, on or about, April 1, 2011, this Court entered an Order approving the sale of her real property, located at 1301 Southside Circle, Nashville, Tennessee 37212, for Eighty Three Thousand Dollars (\$83,000.00). In accordance with said Order, Property Records show that the real property was sold on May 10, 2011, for Eighty Three Thousand Dollars (\$83,000.00). Since entry of the April 1, 2011, Order, Petitioner has discovered that the real property has been listed for sale for nearly One Hundred Thousand Dollars (\$100,000.00) more than said property was sold by the Conservator on May 10, 2011. A true and exact photocopy of the current internet listing for the subject real property stating the sale price as One Hundred and Eighty Thousand Dollars (\$180,000.00) is attached hereto as *Exhibit “B”*.

3. Petitioner would show, upon information and belief, that GNRC never attempted to list the real property with a real estate agent, and instead sold the property at auction.

4. Petitioner would further show that GNRC has cash surrendered the following whole life insurance policies held with American General Life and Accident Insurance Company

(hereafter "AGLA"): policy number 0898448217 and AGLA policy number 0125333005. The Court Order is attached hereto as *Exhibit "C"*.

5. Petitioner would further show that the Conservator sold all of the Petitioner's personal property, including, but not limited to: her car, furniture, sewing machine, appliances, piano, portable organ, and all of her clothes at auction. An advertisement for said Auction is attached hereto as *Exhibit "D"*.

6. Petitioner would further show that she has friends and family on whom she can depend, should she need assistance with any of her personal or financial affairs in the future.

7. Petitioner would further show that Certain employees of the Conservator have taunted and harassed the Petitioner regarding the "taking" of her home and personal property.

8. Petitioner would further show that she has objected to being placed under a Conservatorship, temporarily or permanently, since the entry of this Court's August 24, 2010 Order.

9. For all of the above stated reasons, the Petitioner does not need a Conservator to act on her behalf as a fiduciary. The Petitioner especially does not need the Greater Nashville Regional Council Public Guardianship Program for the Elderly to act on her behalf as a fiduciary.

WHEREFORE PREMISES CONSIDERED, PETITIONER PRAYS:

1. That this Honorable Court conduct a hearing, and upon conclusion of said hearing, that this Honorable Court discharge the Conservatorship of Greater Nashville Regional Council Public Guardianship Program for the Elderly over her person and property pursuant to *Tenn. Code Ann. § 34-3-108(d)(2)*, or, in the alternative, that this Honorable Court appoint a successor Conservator pursuant to *Tenn. Code Ann. § 34-3-108(d)(3)*.

2. That this Honorable Court require the Conservator to produce a full accounting of

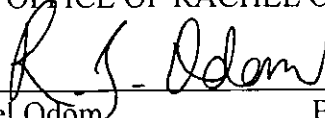
all actions taken on behalf of the Petitioner by the Conservator.

3. That this Honorable Court require the Conservator to answer why the Petitioner's home was sold at auction, as opposed to listing Petitioner's home with a reputable real estate agent, and require the Conservator to answer why all other decisions, that the Court finds to be fiscally unsound, were made by the Conservator with regard to the property of the Petitioner.

4. That this Honorable Court grant Petitioner any other, further or different relief to which she may be entitled and which justice may demand.

Respectfully submitted,

LAW OFFICE OF RACHEL ODOM, LLC



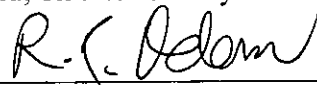
Rachel Odom BPR # 29328
1215 Seventh Avenue North
Nashville, Tennessee 37208
Telephone (615) 352-3885
Facsimile (615) 601-3118

Attorney for Jewell S. Tinnon

THIS MATTER IS EXPECTED TO BE HEARD ON WEDNESDAY, AUGUST 31 AT 10:00 AM

Certificate of Service

The undersigned hereby certifies that a true and exact copy of the foregoing Petition has been sent to : Michelle Poss, Attorney for Conservator, 201 Fourth Avenue North, Suite 1450, Nashville, Tennessee 37219, by U.S. Mail, postage prepaid, on this 19th day of August 2011.



Rachel Odom

OATH

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

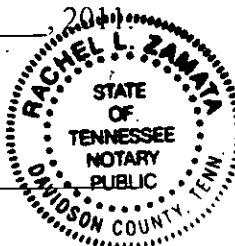
Jewell S. Tinnon, after being first duly sworn, makes oath and says that she has read the foregoing Petition and that the facts contained therein are true and correct to the best of her knowledge, information and belief.

Jewell S. Tinnon
Jewell S. Tinnon

SWORN to and subscribed before me

this the 2 day of August, 2011

R. J. Odum
NOTARY PUBLIC



My Commission Expires: 1/9/12 My Commission Expires JAN 9 2012